

AMENDMENTS TO THE DRAWINGS

Please amend the drawings as described below. The “Annotated Sheet(s)” shows the changes in red ink. The associated “Replacement Sheet(s)” corresponds to the description of the amendments appearing below.

In FIGS 1-2, the legend “Related Art” has been added.

In FIG 8, the label “byt” has been changed to --byte--.

In FIG 9, the label “Addr ss” has been changed to --Address--.

Attachments: Annotated Sheets – FIGS 1-2 and 8-9

Replacement Sheets - FIGS 1-2 and 8-9

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REMARKS

Claims 1-25 and 35-49 are pending. Of these, claims 1, 18 and 38 are written in independent format. Previously, claims 26-34 were cancelled.

DECLARATION

On page 2 of the Office Action, the Examiner indicates that the declaration (filed January 5, 2003) is defective because it does not adequately identify the specification to which the declaration is directed. By this Reply, Applicant submits a newly signed, supplemental Declaration and Power of Attorney that identifies the present application by the Application Serial Number (namely, 10/645,566) and the filing date (namely, August 22, 2003). Accordingly, withdrawal of the rejection is requested.

OBJECTIONS TO DRAWINGS

Beginning on page 2 of the Office Action, the Examiner objects to the drawings because of minor spelling errors. By this Reply, Applicant has amended FIGS 1-2 and 8-9, as described above. Accordingly, withdrawal of the objection is requested.

CLAIM OBJECTIONS

On page 3 of the Office Action, the Examiner objects to claim 3 because of a minor informality. By this Reply, Applicant has corrected the minor informality in claim 3. Accordingly, withdrawal of the objection is requested.

§ 102 REJECTION - '545 PUB

Beginning on page 3 of the Office Action, claims 1, 6, 18, 20, 25, 36-39 and 47-49 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Pre-Grant Publication ("PGPub") No. 2001/0007545 to Ueda et al. ("the Ueda '545 PGPub"). This rejection is traversed.

The Ueda '545 PGPub discloses a manufacturer initialization disc 101, which is described in Paragraph (PGH) 35, Lines 3-7 as follows:

[A] manufacturer initialization disc 101 ... is used for operation for enabling a manufacturer to reset installation region information, (hereinafter, referred to as "manufacturer initialization").

As such, a manufacturer initialization disc 101 is designed so that a manufacturer can reset installation region information.

Manufacturer initialization disc 101 has a burst cutting area (BCA) 102, a Lead-In area 103, a data recording area 104 and a Lead-Out area 105; see FIG 1A and Paragraph (PGH) 35 of the Ueda '545 PGPub. FIGS 2A-2C teach that "disc type information," among other things, is recorded in a control data area within Lead-In area 103; see PGHS 40-41.

In contrast, FIG 1B of the Ueda '545 PGPub depicts BCA 102 as including substantially different information. In particular, BCA 102 includes an application-specific (AS) data area 109 in which is recorded a "medium identifier code;" see PGH 37. Specifically, PGH 37, Lines 16-20 states:

A medium identifier code is recorded in the BCA application specific data area 109 of the manufacturer initialization disc 101. It is to be noted here that the medium identifier code is an intrinsic code allotted to each of the manufacturer initialization discs 101.

Later, in PGH 44, more is stated regarding the medium identifier code stored in AS data area 109 of BCA 102. Specifically, PGH 44, Lines 17-22 states:

[A]n initialization medium identifier code memory 230 [is] formed by a nonvolatile memory for storing history information of a reinitialization medium identifier code of a manufacturer initialization disc used during reinitialization of the regional information setting counter 225 performed by the manufacturer,

Hence, the medium identifier code stored in AS data area 109 of BCA 102 is used by the manufacturer during reinitialization of regional information setting counter 225.

Also included in BCA 102 is an application identifier area 106, a version area 107 and a length area 108; again, see FIG 1A and Paragraph (PGH) 35 of the Ueda '545 PGPub. Recorded in application identifier area 106 is a unique code indicative of the purpose for which the medium identifier code stored in AS data area 109 is used; see PGH 37. Recorded in version area 107 is the version of the rules with which the data structure in AS data area 109 is compliant. Recorded in length area 108 is the length of the data recorded in AS data area 109.

A distinction over the Ueda '545 PGPub recited by the burst cutting area of the recording medium of claim 1 is that the burst cutting area includes at least medium type information that identifies what kinds of recording layers are included in the recording medium. Assuming for the sake of argument that the "disc type information" of the Ueda '545 PGPub corresponds to the claimed medium type information, the disc type information is recorded only in Lead-In area 103, not in BCA 102. The information that the Ueda '545 PGPub teaches recording in BCA 102 has been explained above. In view that explanation, it should be clear that nothing which the Ueda '545 PGPub teaches recording in BCA 102 corresponds to the claimed medium type information.

Independent claims 18 and 38 recite features similar to the distinction of claim 1 discussed above, respectively, and thus at least similarly distinguish over the Ueda '545 PGPub. Claims 6, 20, 25, 36-37, 39 and 47-49 depend at least indirectly from claims 1, 18 and 38, respectively, and thus at least similarly distinguish over the Ueda '545 PGPub.

As explained above, the Ueda '545 PGPub fails to disclose every element of each rejected claim. Hence, the Ueda '545 PGPub cannot be regarded as an anticipatory reference under § 102. Accordingly, the rejection is improper and its withdrawal is requested.

§ 103 REJECTIONS – UEDA '545 PUB + VARIOUS SECONDARY REFERENCES

On pages 4-11 of the Office Action, the remaining claims (namely, 2-5, 7-17, 19, 21-24, 26-35 and 40-46) are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ueda '454 PGPub in view of various secondary references. The specific § 103(a) rejections are itemized below:

- Beginning on page 4, claims 2, 13-14, 23 and 44 stand rejected over a combination of the Ueda '454 PGPub in view of U.S. Patent No. 5,124,962 to Haneji;
- Beginning on page 5, claims 3 and 4 stand rejected over a combination of the Ueda '454 PGPub in view of U.S. Patent No. 4,972,399 to Miyasaka;
- On page 6 of the Office Action, claims 5 and 21 stand rejected over a combination of the Ueda '454 PGPub in view of U.S. Patent No. 6,208,603 to Ishida et al.;
- Beginning on page 6, claim 7 stands rejected over a combination of the Ueda '454 PGPub in view of U.S. Patent No. 5,341,356 to Dieleman et al.;

- Beginning on page 7, claims 8-12, 19, 24, 35, 40, 41, 45 and 46 stand rejected over a combination of the Ueda '454 PGPub in view of the Applicant's admitted related art (ARA);¹
- Beginning on page 9, claims 15-17, 22 and 43 stand rejected over a combination of the Ueda '454 PGPub in view of U.S. Patent No. 6,377,526 to Vining et al.; and
- Beginning on page 10, claim 42 stands rejected over a combination of the Ueda '454 PGPub in view of Applicant's admitted prior art and the '603 Patent.

These rejections are traversed.

Claims 2-5, 7-17, 19, 21-24, 26-35 and 40-46 depend at least indirectly from independent claims 1, 18 and 38, respectively, and thus at least similarly distinguish over the Ueda '545 PGPub. None of the various secondary references itemized above has been cited as a teaching of the respective distinctions of independent claims 1, 18 and 38. Hence, by their dependency, claims 2-5, 7-17, 19, 21-24, 26-35 and 40-46 at least similarly distinguish over the combinations of the Ueda '545 PGPub and the various secondary references, respectively. Accordingly, the several § 103(a) rejections are improper and their withdrawal is requested.

CONCLUSION

The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

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¹ It is noted that the Examiner has characterized the ARA as "admitted prior art." Applicant admits that the ARA does not represent a point of novelty for the present application and will assume for the sake of argument that it is available for use in a rejection according to one of the definitions of art found in the sections of 35 U.S.C. §102.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

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TSA/cm:tsa



Serial No. 10/645,566
ANNOTATED Sheet

FIG. 1
(RELATED ART)

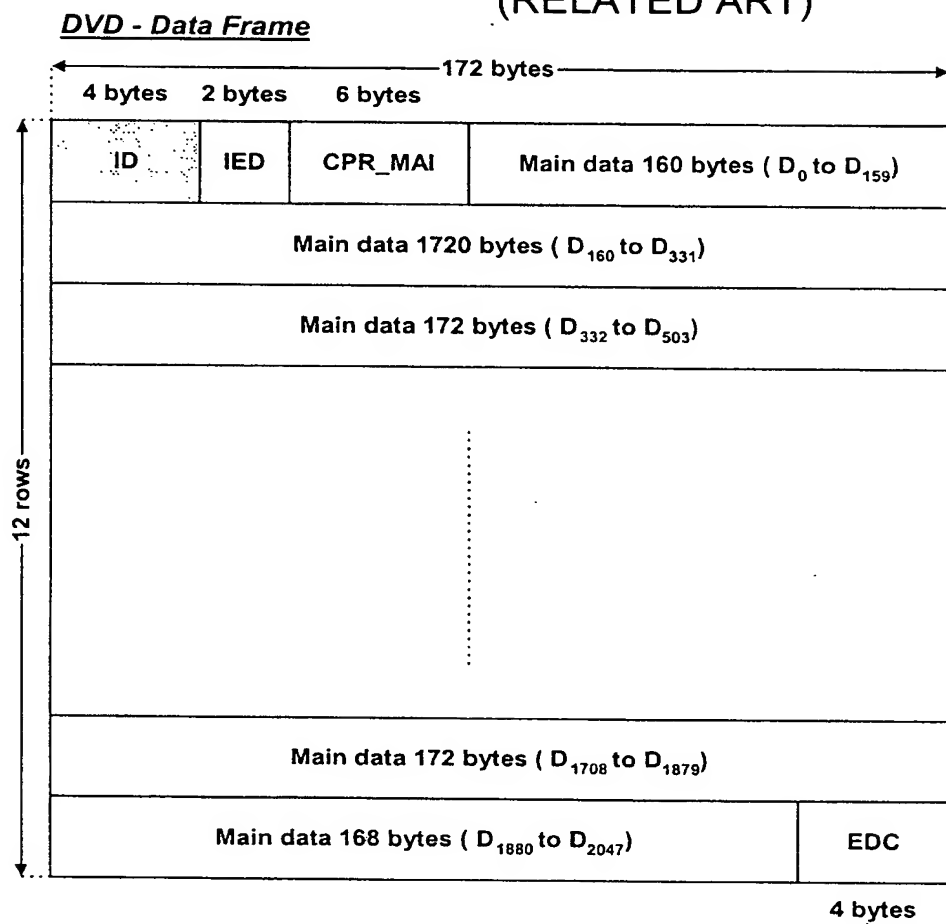
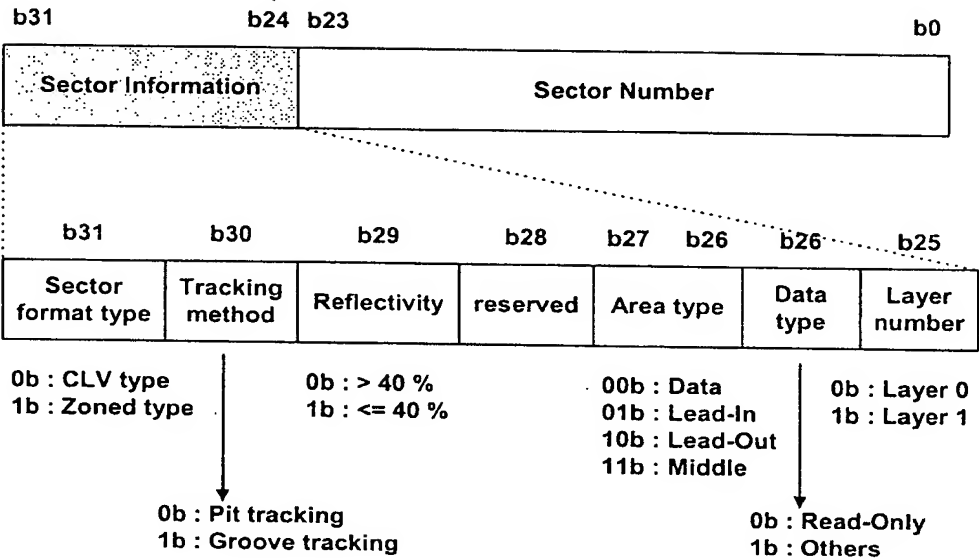


FIG. 2
(RELATED ART)

DVD - Data Frame





Serial No. 10/645,566
ANNOTATED Sheet

FIG. 8

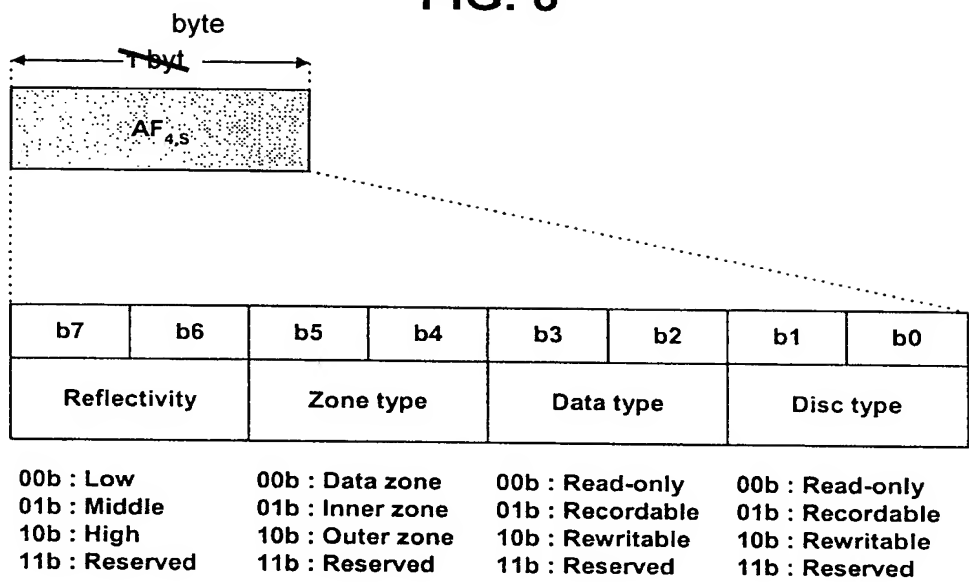


FIG. 9

